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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,123	10/30/2001	David D. Faraldo II	05220.P004	7352

7590 01/26/2007
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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/020,123	FARALDO, DAVID D.	
	Examiner	Art Unit	
	Etienne P LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-23, 25-38, 40-48, 50-54, 57 and 58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-23, 25-38, 40-48, 50-54, 57 and 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 29, 2006 has been entered.

Claim Status

Claims 1-3, 5-23, 25-38, 40-48 and 50-54, 57 and 58 are pending; claims 4, 24, 39 and 49 are cancelled and claims 55 and 56 are not entered. Claims 1-3, 5-23, 25-38, 40-48, 50-54, 57 and 58 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-23, 25-38, 40-48, 50-54, 57 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Product Requirements Document (PRD) for NOCpulse Internet Operational support Service, dated August 30, 2000.

Claim 1:

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PRD discloses:

validating configuration information pertaining to alert messages to be sent to a plurality of destinations, the configuration information being specified by a user,

storing the configuration information in a database

extracting at least a subset of the configuration information from the database based on an extraction parameter identifying one of a plurality of business sites

generating a text-based configuration file containing the extracted configuration information

[Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo]

Claim 2:

PRD discloses wherein the configuration information includes configuration keyword information recognizable by a messaging application [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 3:

PRD discloses wherein the database is a relational database [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 5:

PRD discloses configuring a messaging application using the configuration file [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 6:

PRD discloses periodically generating additional text-based configuration files according to a schedule [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 7:

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PRD discloses wherein the database includes configuration information for the plurality of business sites across a plurality of networks [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 8:

PRD discloses wherein the configuration information is used by at least one messaging application to transmit a message to a destination [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 9:

PRD discloses wherein the configuration information includes a contact [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 10:

PRD discloses wherein the configuration information includes a contact method [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 11:

PRD discloses wherein the configuration information includes a method type [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 12:

PRD discloses wherein the configuration information includes a contact group [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 13:

PRD discloses wherein the configuration information includes a contact group member [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

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Claim 14:

PRD discloses wherein the configuration information includes a schedule [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 15:

PRD discloses wherein the configuration information includes a strategy [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 16:

PRD discloses wherein the configuration information includes a pager type [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 17:

PRD discloses creating at least one include file for a plurality of sections within the configuration file [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 18:

PRD discloses compiling the configuration file into a compiled file at a later time [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 19:

PRD discloses updating the configuration information stored in the database through a portal [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

Claim 20:

PRD discloses wherein the extracting is performed over a secure communication pathway [Exhibits A-C, Declaration under 37 C.F.R. § 1.131 by David D. Faraldo].

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Regarding claims 21-23, 25-38, 40-48, 50-54, 57 and 58, examiner maintains such claims can be rejected on a similar basis to the above claim rejections.

Response to Arguments

Applicant's arguments filed December 29, 2006 have been considered but are moot in view of the new ground(s) of rejection. Nevertheless, examiner provides the following in response to Applicant's amendment of December 29, 2006.

The Declaration under 37 CFR § 1.131 by David D. Faraldo II filed on December 29, 2006 has been considered but is ineffective to overcome the Mayer reference. The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country before the effective date of the Mayer reference. Applicant failed to include Exhibits 1, 2 and 3.

However, examiner is prepared to give Applicant the benefit of the doubt regarding validity of the Declaration under 37 CFR § 1.131 by David D. Faraldo II. Examiner thus makes, per the above Office action, a new ground of rejection based on information provided in the Declaration under 37 CFR § 1.131.

Furthermore, examiner did a new search and maintains the claimed invention can be rejected under one or more of the references cited in this Office action. The effective filing dates of the references cited in this Office action are before the alleged actual reduction to practice of the present invention, i.e., August 30, 2000.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) US Pat No 6,704,737 (Nixon et al) discloses accessing and updating a configuration database from distributed physical locations within a process control system.

(2) US Pat No 6,587,882 (Inoue et al) discloses a mobile IP communications scheme using visited site or nearby network as temporal home network

(3) US Pat No 6,286,035 (Gillis et al) discloses validating and parsing engine for system configuration and support command messages.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-2800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

1/20/2007

Etienne P LeRoux
primary examiner